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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,135	06/22/2000	Besma Kraiem	450117-02632	7356

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EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/599,135

Applicant(s)

KRAIEM ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 10 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Schroderus in view of Saints.

Regarding claim 1 Schroderus teaches a network device for a wireless network to adjust its transmit power on basis of transmit power information used for transmitting signals received from another network device (see abstract and col. 8, lines 36-43 & 46-57). Schroderus also teaches transmit power regulation for another network device on basis of a transmission signal received from another network device (see abstract and col. 8, lines 25-35 & 46-57). Schroderus does not teach adjusting transmit power on basis of a recommendation for the transmit power regulation or generating a recommendation for the transmit power regulation. Saints teaches adjusting transmit power on basis of a recommendation for the transmit power regulation or

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generating a recommendation for the transmit power regulation (see pg. 3, lines 9-16 & 35-39 and pg. 4, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Schroderus adapt to include adjusting transmit power on basis of a recommendation for the transmit power regulation and generating a recommendation for the transmit power regulation because this would allow for improved efficiency of channel use of network devices communicating on direct mode channels.

Regarding claim 2 Saints teaches receiving a transmit power control signal and decoding therefrom a recommendation signal indicating the amount to change the transmit power (see abstract, pg. 6, lines 25-31, and pg. 8, lines 19-24).

Regarding claim 3 Saints teaches receiving a transmit power deviation signal and encodes therefrom a transmit power control signal (see pg. 3, lines 39 and pg. 4, lines 1-7).

Regarding claim 4 Saints teaches a mobile terminal that is a controller (see pg. 5, lines 20-26).

Regarding claim 6 Schroderus teaches performing a transmit power control in-between a first network device and a second network device of a wireless network (see abstract and col. 8, lines 36-43 & 46-57). Schroderus does not teach transmitting a message from a first network device to a second network device, measuring a received signal quality of a signal carrying a message within the second network device and based on this generating and transmitting a recommendation from a second network device to the first network device how to adjust transmit power, and adjusting the transmission power within the first network device on basis of a received recommendation how to adjust its transmit power. Saints teaches transmitting a message from a first network device to a second network device, measuring a received signal

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quality of a signal carrying a message within a network device and based on this generating and transmitting a recommendation from a second network device to the first network device how to adjust transmit power, and adjusting the transmission power within the first network device on basis of a received recommendation how to adjust its transmit power (see pg. 3, lines 9-16 & 35-39 and pg. 4, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Schroderus adapt to include transmitting a message from a first network device to a second network device, measuring a received signal quality of a signal carrying a message within the second network device and based on this generating and transmitting a recommendation from a second network device to the first network device how to adjust transmit power, and adjusting the transmission power within the first network device on basis of a received recommendation how to adjust its transmit power because this would allow for improved efficiency of channel use of network devices communicating on direct mode channels.

Regarding claim 7 Schroderus teaches measuring a received signal quality of a signal within a first network device and comparing it to a wanted received signal quality within a first network device (see col. 8, lines 44-57). Saints teaches generating and transmitting a power control recommendation from a network device to a second network device on how to adjust its transmit power and adjusting the transmission power within a second network device on basis of a received recommendation how to adjust its transmit power (see pg. 3, lines 9-16 & 35-39 and pg. 4, lines 1-7).

Regarding claim 8 Schroderus teaches a message from a network device to a second network device and/or the signal carrying the recommendation for the first network device how

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to adjust its transmit power has the maximum transmit power level of a first network device (see col. 6, lines 36-47 and col. 7, lines 15-16).

Regarding claim 10 Saints teaches a signal carrying a recommendation for a first network device how to adjust its transmit power has a transmit power level determined on basis of an information indicating the wanted received power level and the transmit power level of a first network device which is transmitted with a first transmitted message from a first network device to a second network device and the received power level of a message at a second network device (see abstract, pg. 4, lines 1-7, pg. 6, lines 25-31, and pg. 8, lines 19-24).

Regarding claim 12 Schroderus and Saints teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroderus in view of Saints and Ditzik.

Regarding claim 5 Schroderus and Saints teach a device as recited in claim 1 except for a network device that is used in an IEEE 1394 based HIPERLAN type 2 network. Ditzik teaches a network device that is used in an IEEE 1394 based network (see col. 4, lines 52-56 and col. 6, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Schroderus adapt to include a network device that is used in an IEEE 1394 based HIPERLAN type 2 network because this would allow for improved efficiency of channel use of network devices communicating through direct mode channels on a computing platform.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroderus in view of Saints and Lynch.

Regarding claim 9 Schroderus teaches transmitting a signal from a network device to a second network device (see abstract and col. 8, lines 36-43 & 46-57). Schroderus does not teach transmitting a message from a network device and/or the signal carrying the recommendation for the first network device how to adjust its transmit power has the maximum transmit power level of a first network device on basis of a topology map of the network indicating the quality of connectivity of all network devices within the network. Saints teaches transmitting a message from a network device and/or the signal carrying the recommendation for the first network device how to adjust its transmit power (see pg. 3, lines 9-16 & 35-39 and pg. 4, lines 1-7). Lynch teaches a topology map of the network indicating the quality of connectivity of network devices within network (see col. 3, lines 20-28 and col. 4, lines 16-18). It would have been obvious to one of ordinary skill in the art to make the Schroderus adapt to include transmitting a message from a network device and/or the signal carrying the recommendation for the first network device how to adjust its transmit power has the maximum transmit power level of a first network device on basis of a topology map of the network indicating the quality of connectivity of all network devices within the network because this would allow for improved efficiency of channel use of network devices communicating through direct mode channels on a computing platform.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroderus in view of Saints and Fifield.

Regarding claim 11 Schroderus and Saints teaches a device as recited in claim 10 except for recommendation for a network device how to adjust its transmit power is always given from a peer network device in case of a received power level exceed a maximum deviation. Saints

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does teach recommendation on how to adjust transmit power given from a user station (see pg. 4, lines 1-18). Fifield teaches a peer network device in a wireless network (see col. 2, lines 65-67 and col. 3, lines 19-30 & 49-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Schroderus and Saints adapt to include recommendation for a network device how to adjust its transmit power is always given from a peer network device in case of a received power level exceed a maximum deviation because this would allow for wireless terminals to communicate directly with one another with improved compensation for network density.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Labeledz U.S. Patent 6,119,010 discloses a method and apparatus for adjusting channel powers in a wireless communication system based on a predicted mobile location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.




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December 9, 2002

  
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SUPERVISORY PATENT EXAMINER  
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